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AUG 14 2008
Tyler P. Brown (to be admitted *pro hac vice*)
Edward L. Douma (to be admitted *pro hac vice*)
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
(804) 788-8200

SCANNED
(JAB 8/14/08)

-and-

Peter S. Partee
Scott H. Bernstein
HUNTON & WILLIAMS LLP
200 Park Avenue, 53rd Floor
New York, New York 10166-0136
(212) 309-1000

Attorneys for Plaintiff
XL CAPITAL ASSURANCE INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL ASSURANCE INC.,

Plaintiff,

v.

INDYMAC BANK, F.S.B.,

Defendant.

08-CV-5842 (JGK) (AJP)

ECF Case

FILED
AUG 14 2008
S.D. OF N.Y.

MOTION TO ADMIT TYLER P. BROWN AS COUNSEL *PRO HAC VICE*

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Scott H. Bernstein, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of

Applicant's Name: Tyler P. Brown
Firm Name: HUNTON & WILLIAMS LLP
Address: Riverfront Plaza, East Tower
951 East Byrd Street
City/State/Zip: Richmond, Virginia 23219-4074
Phone Number: (804) 788-8200
Fax Number: (804) 788-8218
E-mail address: tpbrown@hunton.com

Tyler P. Brown is a member in good standing of the Bar of the Commonwealth of Virginia since 1987. Annexed hereto as Exhibit 1 is a Certificate of Good Standing issued by the Virginia State Bar.

There are no pending disciplinary proceeding against Tyler P. Brown in any State or Federal court.

Dated: New York, New York
August 13, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Bernstein', is written over a horizontal line.

Scott H. Bernstein
Hunton & Williams LLP
200 Park Avenue, 53rd Floor
New York, New York 10166
(212) 309-1000

Attorneys for Plaintiff
XL CAPITAL ASSURANCE INC.

DECLARATION OF SERVICE

Bradford C. Mulder, hereby declares under penalty of perjury, pursuant to 28 U.S.C.

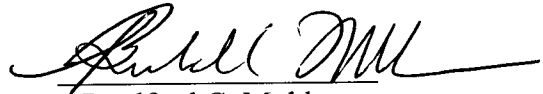
§ 1746, that:

I am Managing Clerk at the law firm of Hunton & Williams LLP, attorneys for Plaintiff XL Capital Assurance Inc.

That on August 13, 2008, I served a true and complete copy of the attached Motion to Admit Tyler P. Brown as Counsel *pro hac vice*, with attachments, on counsel for Defendant, at the address listed below, via First-Class Mail, by depositing the same in a duly-enclosed and sealed wrapper, with the correct postage thereon, in an official letter box duly maintained by the Government of the United States of America, within the State of New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 13, 2008.


Bradford C. Mulder

TO: **HELLER EHRMAN LLP**
Daniel J. Dunne, Esq.
Lori Lynn Phillips, Esq.
Joshua B. Selig, Esq.
701 Fifth Ave., Suite 6100
Seattle, WA 98104
(206) 389-6026
(206) 515-8950 (FAX)
Daniel.Dunne@hellerehrman.com
Lori.Phillips@hellerehrman.com
Joshua.Selig@hellerehrman.com

Attorneys for Defendant IndyMac Bank, F.S.B. and Federal Deposit Insurance Corporation, as Conservator for IndyMac Federal Bank, F.S.B. and Receiver for IndyMac Bank, F.S.B.

Supreme Court of Virginia

AT RICHMOND

Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,
do hereby certify that

TYLER PERRY BROWN

was admitted to practice as an attorney and counsellor at the bar of this Court on
October 20, 1987.

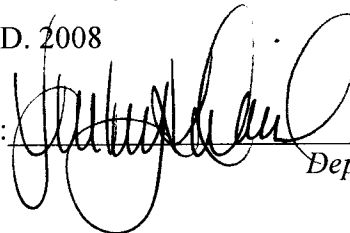
I further certify that so far as the records of this office are
concerned, TYLER PERRY BROWN is a member of the bar of this Court in
good standing.

Witness my hand and seal of said Court

This 8th day of August

A.D. 2008

By:



Deputy Clerk

Tyler P. Brown (to be admitted *pro hac vice*)
Edward L. Douma (to be admitted *pro hac vice*)
HUNTON & WILLIAMS LLP
Riverfront Plaza, East Tower
951 East Byrd Street
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-and-

Peter S. Partee
Scott H. Bernstein
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200 Park Avenue, 53rd Floor
New York, New York 10166-0136
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Attorneys for Plaintiff
XL CAPITAL ASSURANCE INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL ASSURANCE INC.,

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**AFFIDAVIT OF SCOTT H. BERNSTEIN IN SUPPORT OF MOTION
TO ADMIT TYLER P. BROWN AS COUNSEL *PRO HAC VICE***

State of New York)
)
County of New York) ss:

Scott H. Bernstein, being duly sworn, hereby deposes and says as follows:

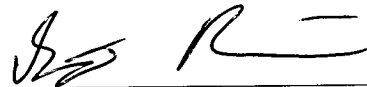
1. I am an associate at Hunton & Williams LLP, counsel for Plaintiff XL Capital Assurance Inc. in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Tyler P. Brown as counsel *pro hac vice* to represent Plaintiff XL Capital Assurance Inc. in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law on January 22, 2003. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. Tyler P. Brown is a partner at Hunton & Williams LLP and his office is located in Richmond, Virginia.
4. I have known Tyler P. Brown since May of 2007.
5. I have found Mr. Brown to be a skilled attorney and a person of integrity. He is both experienced in Federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Accordingly, I am pleased to move for the admission of Tyler P. Brown, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Tyler P. Brown, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Tyler P. Brown, *pro hac vice*, to represent Plaintiff XL Capital Assurance Inc. in the above captioned matter, be granted.

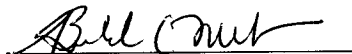
Dated: New York, New York
August 13, 2008

Respectfully Submitted,



Scott H. Bernstein

Sworn to and subscribed before me
this 13th day of August, 2008


Notary Public

BRADFORD C. MULDER
Notary Public, State of New York
No. 02MU5067057
Qualified in Kings County
Certificate Filed in New York County
Commission Expires Oct. 7, 20 10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XL CAPITAL ASSURANCE INC.,

Plaintiff,

v.

INDYMAC BANK, F.S.B.,

Defendant.

08-CV-5842 (JGK) (AJP)

ECF Case

**ORDER FOR ADMISSION OF
TYLER P. BROWN *PRO HAC VICE* ON WRITTEN MOTION**

Upon the motion of Scott H. Bernstein, attorney for Plaintiff XL Capital Assurance Inc., and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Applicant's Name: Tyler P. Brown
Firm Name: HUNTON & WILLIAMS LLP
Address: Riverfront Plaza, East Tower
951 East Byrd Street
City/State/Zip: Richmond, Virginia 23219-4074
Phone Number: (804) 788-8200
Fax Number: (804) 788-8218
E-mail address: tpbrown@hunton.com

is admitted to practice *pro hac vice* as counsel for Plaintiff XL Capital Assurance Inc., in the above-captioned case in the United States District Court for the Southern District of New York.

All attorneys appearing before this Court are subject to the Local Rules of this Court, including

the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case

Filing (ECF) system, counsel shall immediately apply for an ECF password at

nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: _____
New York, New York

United States District/Magistrate Judge